

REMARKS

Claims 1-16 are the claims currently pending in the present Application.

Independent claims 1 and 9 are amended to clarify features recited thereby. Further, claims 3 and 12, which the Examiner has indicated are allowable, are rewritten as independent claims.

Rejection of Claims 1, 6, 7, 9, 10 and 15 under 35 U.S.C. § 103

Claims 1, 6, 7, 9, 10 and 15 are rejected under 35 U.S.C. § 103 as being obvious from Price-Francis, U.S. Patent No. 5,815,252 and Srey et al., U.S. Patent No. 6,141,436. This rejection is traversed.

Among the problems recognized and solved by Applicant's claimed invention is that when matching of a user's biometric with a stored biometric data fails, substitute data are needed without imposing the burdens of requiring additional memory and processing for different user biometrics. According to an aspect of Applicant's claimed invention, differences between biometric data generated by a number of images captured from the same biometric of the user in repeated image acquisitions are analyzed to decide whether to authenticate the user and to store the acquired image. For example, more than one image is captured from a finger of the user and differences between the images are processed to decide whether to authenticate the user and to store the image.

For at least the following reasons, Applicant's claimed invention is neither anticipated by nor obvious from Price Francis. By way of example, independent claims 1 and 9 require, *inter alia*, acquiring an additional image of the same biometric of the user for generating biometrics data.

Price-Francis discloses a biometric identification process and system utilizing multiple parameters scans for reduction of false negatives. (Abstract.) In particular, Price-Francis appears to disclose that: (1) multiple physical characteristics, such as fingerprints, are encoded on a storage medium, such as a user's magnetic card presented to a verification system; (2) a process of randomly and sequentially selecting more than one physical characteristic is used to compare against the physical characteristics currently presented by the user (Col. 2, lines 39-44, underline added); and (3) reading means are used to extract from the user additional biometric data representing a different physical characteristic stored by the storage medium. (Col. 3, lines 54-58).

Price-Francis does not disclose or suggest acquiring an additional image of the same biometric of the user for generating biometrics data. Accordingly, Price-Francis does not disclose or suggest the recitations of independent claims 1 and 9. Clearly, Price-Francis does not disclose or suggest acquiring an additional image of the same biometric of the user, when the authentication results in failure.

In fact, the disclosure of Price-Francis belongs to the prior art identified by Applicant's disclosure, because Price-Francis requires using multiple physical characteristics, and thus using different physical characteristics from the one already used.

Srey does not remedy the deficiencies of Price-Francis as they relate the Applicant's claimed invention. Srey discloses that the user's fingerprint data is transmitted to a remote location, such as a base station when the fingerprint data does not match the reference fingerprint stored in the telephone unit (Srey, col. 9, lines 10-20). Further, a memory at the remote location stores the fingerprint data received and if the

telephone unit is reported stolen the unauthorized individual fingerprint data is provided to aid in law enforcement (Srey, col. 9, lines 21-38). Accordingly, Price-Francis and Srey, even if taken together in combination, do not disclose or suggest the recitations of independent claims 1 and 9.

Claims 6 and 7 depend from independent claim 1, and claims 10 and 15 depend from independent claim 9. Therefore, claims 6, 7, 10 and 15 incorporate novel and nonobvious feature of their respective base claims and are patentably distinguishable over the prior art for at least the reasons that independent claims 1 and 9, respectively, are patentably distinguishable over the prior art. Accordingly, this rejection should now be withdrawn.

Rejection of Claims 2 and 11 under 35 U.S.C. § 103

Claims 2 and 11 are rejected under 35 U.S.C. § 103 as being obvious from Price-Francis and Srey in view of Ort et al. U.S. Patent No. 5,799,098. This rejection is traversed.

Claims 2 and 11 depend from independent claims 1 and 6, respectively, and therefore incorporate novel and nonobvious feature of their respective base claims. Ort does not remedy the deficiencies of Price-Francis and Srey as they relate to Applicant's invention as claimed in independent claims 1 and 9. Therefore, claims 2 and 11 are patentably distinguishable over the prior art for at least the reasons that independent claims 1 and 9, respectively, are patentably distinguishable over the prior art. Accordingly, this rejection should now be withdrawn.

Rejection of Claims 8 and 16 under 35 U.S.C. §103

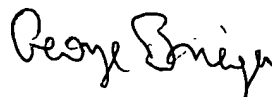
Claims 8 and 16 are rejected under 35 U.S.C. §103 as being obvious from Price-Francis and Srey in view of Slocum U.S. Patent No. 6,430,306. This rejection is traversed.

Claims 8 and 16 depend from independent claims 1 and 6, respectively, and therefore incorporate novel and nonobvious feature of their respective base claims. Slocum does not remedy the deficiencies of Price-Francis and Srey as they relate to Applicant's invention as claimed in independent claims 1 and 9.

Therefore, claims 8 and 16 are patentably distinguishable over the prior art for at least the reasons that independent claims 1 and 9, respectively, are patentably distinguishable over the prior art. Accordingly, this rejection should now be withdrawn.

In view of the foregoing discussion, the claims pending in the Application are now believed to be allowable and therefore the Examiner is respectfully requested to allow the Application at this time. Should the Examiner have any questions about this Amendment, or about the Application generally, the Examiner is invited to telephone the undersigned attorney.

Respectfully submitted,



George Brieger
Registration No. 52,652

Scully, Scott, Murphy & Presser
400 Garden City Plaza
Garden City, New York 11530
(516) 742-4343 Ext. 503
GB:eg

Encl: Fee for one (1) extra independent claim.